

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT SIMPSON,

Plaintiff,

v.

ST. LOUIS COUNTY DEPARTMENT

OF JUSTICE, et al.,

Defendants.

No. 4:18-cv-375-DDN

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff, an inmate at the St. Louis County Justice Center, initiated this civil action on March 5, 2018, and sought leave to proceed *in forma pauperis*. The Court granted the motion and reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2), and noted that it was subject to dismissal. In an order dated June 6, 2018, the Court clearly explained the defects of the complaint, gave plaintiff an opportunity to submit an amended complaint to cure those defects, and directed plaintiff to submit an initial partial filing fee of \$10.56. In that order, the Court cautioned plaintiff that his failure to timely respond would result in the dismissal of his case, without prejudice and without further notice. Plaintiff's response to the Court was due on July 6, 2018.

To date, plaintiff has neither filed an amended complaint nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, and cautioned that his case would be dismissed if he failed to timely comply. Therefore, this action will be dismissed, without prejudice, due to plaintiff's failure to prosecute his case and his failure to comply with this Court's June 6, 2018 order. Fed. R. Civ. P. 41(b); *see also Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (*per curiam*) (affirming dismissal without prejudice where *pro se* plaintiff

failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so); *Fitzwater v. Ray*, 352 F. App'x 125, 126 (8th Cir. 2009) (*per curiam*) (district court did not abuse its discretion in dismissing action without prejudice when the *pro se* plaintiffs failed to comply with an order “directing them to file within fourteen days an amended complaint in conformity with Rule 8”); *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 11th day of July, 2018.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE